

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

JAMES MICHAEL AMOR, <i>et al.</i> ,	:	
Plaintiffs,	:	
	:	
v.	:	Civil No. 5:21-cv-05574-JMG
	:	
COURTNEY CONOVER,	:	
Defendant.	:	

ORDER

AND NOW, this 30th day of August, 2022, after having received a message from Defendant raising certain concerns regarding the service of subpoenas for trial, the payment of witness's attendance costs, and Plaintiffs' communications with Defendant's witnesses, **IT IS HEREBY ORDERED** as follows:

1. To the extent that witnesses have agreed to accept service from Defendant via email, Defendant is **PERMITTED** to serve trial subpoenas upon those witnesses by certified mail or email. If a witness ultimately does not appear at trial, however, the enforceability by civil contempt proceedings of any subpoena served by email will depend on Defendant's ability to prove the witness actually received the subpoena.

2. Pursuant to Federal Rule of Civil Procedure 45(b)(1), a trial subpoena will be effective and enforceable only if Defendant tenders "the fees for 1 day's attendance and the mileage allowed by law" alongside the subpoena. Defendant may tender these payments by an electronic payment application such as Venmo or PayPal. The attendance fee is \$40 per day and the mileage rate is \$0.625 per mile. *See* 28 U.S.C. § 1821.¹

¹ *See also* <https://www.gsa.gov/travel/plan-book/transportation-airfare-pov-etc/private-owned-vehicle-pov-mileage-reimbursement-rates>.

3. Insofar as any witnesses have agreed with Defendant to accept reimbursement for only tolls and fuel rather than all the costs for which they are entitled to reimbursement under 28 U.S.C. § 1821, Defendant is **PERMITTED** to reimburse those witnesses in accordance with their agreements.

4. To avoid the unnecessary accumulation of costs, Defendant need not require witnesses to appear in Philadelphia, Pennsylvania, on the day of jury selection. Instead, Defendant may subpoena witnesses' appearance in Allentown, Pennsylvania, beginning on October 13, 2022. To the extent Defendant has already delivered subpoenas instructing witnesses to appear on an earlier date, Defendant may amend those subpoenas by certified mail or by email so long as Defendant receives confirmation that the witness received the amendment.

5. Defendant alleges Plaintiffs have attempted to discourage at least one of Defendant's witnesses from appearing at trial. There is presently insufficient information before the Court to warrant sanctions. However, based on the information before the Court, it seems that it would be appropriate for Defendant to elicit testimony at trial from her witnesses about any efforts Plaintiffs made to discourage those witnesses from testifying.

BY THE COURT:

/s/ John M. Gallagher
JOHN M. GALLAGHER
United States District Court Judge